



SENATE BILL 29: Move Over Law/Increase Penalties.

2019-2020 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	February 19, 2019
Introduced by:	Sens. Britt, McInnis	Prepared by:	Shawn Middlebrooks
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *Senate Bill 28 would amend G.S. 20-157 to increase the penalty for drivers who fail to move over or slow down for authorized emergency and public service vehicles under subsection (f), or who cause damage to property, injury, or death for violating any provision of this section.*

CURRENT LAW: When an authorized emergency vehicle or public service vehicle is parked within 12 feet of the roadway and is giving a warning signal, the driver of every other approaching vehicle must either: (1) move his or her vehicle to a lane not nearest the parked or standing authorized emergency or public service vehicle, or (2) slowly operate his or her vehicle at a safe speed and be prepared to stop, provided that the driver can do so safely and without interfering with vehicular traffic. Violation is an **infraction** punishable by a fine of \$250.00. G.S. 20-157(f).

G.S. 20-157 also contains the following provisions in regard to authorized emergency and public service vehicles:

- **When an emergency vehicle approaches.** Subsection (a) requires a driver to pull over to the right hand edge or curb, clear of any intersections, when approached by an emergency vehicle and stop until the emergency vehicle passes.
- **Following, parking near, or blocking fire apparatus.** Subsections (b), (c), and (d) make it unlawful to follow any fire apparatus too closely when it is traveling in response to a fire alarm, to park too close to where a fire apparatus has stopped to answer an alarm, or to drive a motor vehicle over or block a fire hose or any other equipment being used at a fire.
- **Parking near emergency vehicles at an accident scene.** Subsection (e) makes it unlawful to park and leave a vehicle within 100 feet of an emergency vehicle that is engaged in the investigation of an accident or is rendering assistance to victims of an accident.

Violation of this section that results in *damage to property* in the immediate area of an authorized vehicle in excess of \$500.00, or causes *injury* to an emergency response person is a **Class 1 misdemeanor**. G.S. 20-157(h). Violation of this section that results in *serious injury or death* to a law enforcement officer or emergency response person is a **Class I felony**. G.S. 20-157(i).

BILL ANALYSIS: Senate Bill 29 would:

- Amend subsection (f) of G.S. 20-157 to make it a **Class 2 misdemeanor** if a driver fails to move to a lane not nearest the parked or standing authorized emergency or public service vehicle, or slowly operate his or her vehicle at a safe speed and be prepared to stop.

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- Make a violation of this section a **Class I felony** if the violation results in *damage to property* in the immediate area of an authorized emergency or public service vehicle, or causes *injury* to a law enforcement officer or emergency response person.
- Make a violation of this section a **Class F felony** if the violation results in *serious injury or death* to a law enforcement officer or emergency response person.

EFFECTIVE DATE: This bill would be effective December 1, 2019 and apply to offenses committed on or after that date.

BACKGROUND: Senate Bill 29 is named for Officer Jason Quick who was killed on December 15, 2018, when he was struck by an oncoming vehicle while investigating a motor vehicle crash on I-95 near Exit 22 in North Carolina.